

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 **UNITED STATES DISTRICT COURT FOR THE  
8 WESTERN DISTRICT OF WASHINGTON**

9 DAVID SARRUF,

10 Plaintiff,

11 v.

12 LILLY LONG TERM DISABILITY PLAN &  
13 LILLY LIFE INSURANCE PLAN,

14 Defendants.

15 Case No. 2:24-cv-00461-JCC

16 **DEFENDANTS' STIPULATED  
17 MOTION FOR LEAVE TO FILE  
18 OPPOSITION TO MOTION FOR  
19 SUMMARY JUDGMENT UNDER  
20 SEAL AND [PROPOSED] ORDER**

21 **I. Relied Requested**

22 Pursuant to the Court's Order of February 18, 2025 (Dkt. #41), Defendants The Eli Lilly  
23 and Company Long Term Disability Plan (the "LTD Plan")<sup>1</sup> and The Eli Lilly and Company  
24 Life Insurance and Death Benefit Plan (the "Life Insurance Plan")<sup>2</sup> (together, "Defendants") are  
25 herewith filing their opposition to Plaintiff's Motion for Summary Judgment. In connection  
26 with this filing, Defendants hereby respectfully move the Court pursuant to Federal Rule of Civil  
27 Procedure 5.2(d) and Local Civil Rule 5(g) for an order permitting Defendants to file a redacted  
version of their opposition on the public docket and an unredacted version of their opposition

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1 The LTD Plan is incorrectly named in the Complaint as the Lilly Long Term Disability Plan.

2 The Life Insurance Plan is incorrectly named in the Complaint as the Lilly Life Insurance Plan.

1 under seal. Defendants seek leave to file their opposition to Plaintiff's motion in redacted form  
 2 and under seal because the opposition extensively references and cites the sealed Administrative  
 3 Record, which contains Plaintiff's confidential medical records and information.

4 **II. Relevant Facts and Legal Authority.**

5 This action arises under the Employee Retirement Income Security Act of 1974  
 6 ("ERISA"), 29 U.S.C. § 1001 *et seq.*, and involves a claim for long-term disability benefits. The  
 7 Administrative Record pertaining to Plaintiff's claim primarily contains Plaintiff's personal  
 8 medical records and documents discussing Plaintiff's medical information. The Court granted  
 9 the Parties' Stipulated Motion to file the Administrative Record under seal on April 11, 2025  
 10 (Dkt. #44). Defendants' opposition to Plaintiff's Motion for Summary Judgment contains  
 11 references to the confidential Administrative Record, including arguments, discussion, and  
 12 references to Plaintiff's personal medical records, medical conditions, and other medical-related  
 13 information.

14 Although there is a general presumption of public access to court records, courts in this  
 15 District have recognized that the need to protect medical privacy constitutes a "compelling  
 16 reason" sufficient to justify sealing records. *See, e.g., Karpenski v. Am. Gen. Life Cos., LLC,*  
 17 No. 2:12-CV-01569-RSM, 2013 WL 5588312, at \*1 (W.D. Wash. Oct. 9, 2013) (granting  
 18 motion to seal ERISA administrative record due to medical privacy concerns); *S.L. by & through*  
 19 *J.L. v. Cross*, 675 F. Supp. 3d 1138, 1146–47 (W.D. Wash. 2023) (same).

20 As certified below, the Parties have conferred and agree that filing a redacted version of  
 21 the opposition on the public docket and filing an unredacted copy of the opposition under seal  
 22 is the least restrictive means of protecting Plaintiff's privacy while complying with the Court's  
 23 filing procedures.

### III. Certification Pursuant to LCR 5(g)(3)(A).

The undersigned counsel for the Parties, Kara P. Wheatley and Glenn R. Kantor, conferred via e-mail on May 16, 2025, regarding the need to file Defendants' opposition under seal. The Parties agree that sealing is appropriate and necessary to protect Plaintiff's confidential medical information contained therein.

#### IV. Conclusion.

For the foregoing reasons, Defendants respectfully request the Court to grant this stipulated motion to file their Opposition to Plaintiff's Motion for Summary Judgment under seal.

Date: May 16, 2025

Respectfully submitted,

THE ELI LILLY AND COMPANY LONG  
TERM DISABILITY PLAN AND THE ELI  
LILLY AND COMPANY LIFE INSURANCE  
AND DEATH BENEFIT PLAN

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*Attorneys for Defendants*

## [PROPOSED] ORDER

THIS MATTER having come before the Court upon DEFENDANTS' STIPULATED MOTION FOR LEAVE TO FILE OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT UNDER SEAL, and the Court having considered the motion and all relevant materials, and finding good cause shown, hereby ORDERS:

1. Defendants' Stipulated Motion (**Dkt. No. 54**) for Leave to file Opposition to Plaintiff's Motion for Summary Judgment (**Dkt. No. 55**) under Seal is GRANTED.

2. Defendants are authorized to file their Opposition under seal in its entirety, without redaction, and in redacted form on the public docket.

3. Defendants' Opposition to Plaintiff's Motion for Summary Judgment shall remain under seal unless otherwise ordered by the Court.

**IT IS SO ORDERED** this 19th day of May 2025.

Joh C Coghean

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THE HONORABLE JOHN C. COUGHENOUR  
UNITED STATES DISTRICT COURT JUDGE

## CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of May, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record who receive CM/ECF notifications.

Dated: May 16, 2025

By: /s/ Douglas F. Stewart  
Douglas F. Stewart, WSBA No. 34068